* IN THE HIGH COURT OF DELHI AT NEW DELHI

1. W.P.(C)15946/2004

Rajesh Kumar Yadav	..... Petitioner through Mr.P.N.Lekhi, Sr.Advocate with Mr.Sumit Bansal and Mr.Manish Paliwal, Advocates
versus	
Union of India & Ors.	.... Respondents through Mr.Saurabh,Advocate for R1 Mr.Sanjay Katyal, Advocate for UOI Mr.Rajiv Bansal and Mr. Gaurav Sarin, Advocates for DDA Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG

W I T H

2. W.P.(C) 9365/2004

Laxmi Devi	....Petitioner through Mr.P.N.Lekhi, Sr.Advocate with Mr.Sumit Bansal and Mr.Manish Paliwal, Advocates
versus	
Union of India	....Respondent through Mr.Rajiv Bansal, Advocate with Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG

W I T H

3. W.P.(C) 10592/2006

Devi Singh Mathur ....Petitioner through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Ms.P.L.Gautam, Advocate for UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for DDA
Mr.Jamshed Beg, Advocate for L&B Department
Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG

W I T H

4. W.P.(C) 12456-82/2004

SUBHASH JAIN & ORS. ....Petitioners through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Ms.Shobhana Takiar, Advocate for DDA
Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG

W I T H

5. W.P.(C) 14670-72/2004

Ashwani Kumar & Ors.	....Petitioners through Mr.P.N.Lekhi, Sr.Advocate with Mr.Sumit Bansal and Mr.Manish Paliwal, Advocates
versus	
Union of India & Ors.	....Respondents through Mr.Rajan Sabharwal & Ms.Seema Bhadauriya Advocate for UOI Mr.Rajiv Bansal, Advocate with Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG Mr.Jamshed Beg, Advocate for L&B Department

W I T H

6. W.P.(C) 15842/2004

Prakash Alias Om Prakash	....Petitioner through Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates
versus	
Union of India & Ors.	....Respondents through Mr.Saurabh, Advocate for R-1 Mr.Rajiv Bansal, Advocate with Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA

Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG

W I T H

7. W.P.(C) 2974/2005

Vikas Gupta ....Petitioner through
Mr.Anand Yadav, Advocate

versus

Govt.of NCT of Delhi ....Respondent through
Ms.Shobhana Takiar, Advocate for DDA
Ms.Deepika, Advocate for L&B Department
Mr.Sanjay Poddar,Advocate for LAC

W I T H

8. W.P.(C) 4559-60/2005

Malti Sharma & Others ....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.J.P.Sengh, Advocate with
Ms.Imam Majid, Advocate for UOI
Mr.Rajiv Bansal, Advocate with
Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA
Mr.Sanjay Poddar,Adv. for LAC
Ms.Deepika, Advocate for L&B Department

Mr.Vinod Kumar,Advocate for MCD

W I T H

9. W.P.(C) 4594-97/2005

Vijay Raj Sharma & Others ....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.J.P.Sengh, Advocate with
Ms.Imam Majid, Adv. for UOI
Mr.Rajiv Bansal, Advocate with
Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Adv. for DDA
Mr.Sanjay Poddar, Advocate for LAC
Ms.Deepika, Adv. for L&B Department
Ms.Richa Kapoor with Ms. Gitanjali Chauhan, Adv. for MCD

W I T H

10. W.P.(C) 4614-18/2005

Suman Sharma & Others ....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.J.P.Sengh, Advocate with
Ms.Imam Majid, Advocate for

UOI Mr.Rajiv Bansal, Advocate with Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA
Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG
Mr.Vinod Kumar,Advocate for MCD

W I T H

11. W.P.(C) 4960-63/2005

Bhagirath Raj Sharma ....Petitioner through
Mr.P.N.Lekhi, Sr.Advocate with Mr.Sumit Bansal and Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.J.P.Sengh, Advocate with Ms.Imam Majid, Advocate for UOI Mr.Rajiv Bansal, Advocate with Mr. Gyalt Sen and Mr.Biswajit Kumar Patra, Advocates for DDA
Mr.Sanjay Poddar,Advocate for LAC
Ms.Deepika, Advocate for L&B Department
Ms.Richa Kapoor with Ms.Gitanjali Chauhan, Advocate for MCD

W I T H

12. W.P.(C) 10156-57/2005

Jawahar Singh& Anr. ....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with

Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Rajiv Bansal, Advocate with
Mr. Gyalt Sen and Mr.Biswajit
Kumar Patra, Advs. for DDA
Mr.Sanjay Poddar, Advocate for
LAC
Mr.Sanjay Kumar Pathak,
Advocate with Ms.K.Kaomudi
Kiran and Mr.M.K.Rai,
Advocates for Respondents 2 to
4
Mr.Anoop Bagai, Advocate with
Ms.Pratibha Sharma, Advocate
for MCD

W I T H

13. W.P.(C) 12967/2005

Budh Vihar Towers P.Ltd. ....Petitioner through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Keshav Dayal, Sr.Advocate
with Mr.Pushkar Sood,
Advocate for UOI Mr.Gaurav
Sarin, Advocate with Ms.Charul
Sarin, Advocate for DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG
Mr.Jamshed Beg, Advocate for
L&B Department

W I T H

14. W.P.(C) 13018/2005

Kanishka Farms Pvt.Ltd. ....Petitioner through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Keshav Dayal, Sr.Advocate
with Mr.Pushkar Sood,
Advocate for UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG

W I T H

15. W.P.(C) 13030/2005

Lajpat Rai Goel ....Petitioner through
Mr.Vishwa Ranjan Kumar,
Advocate

versus

Union of India & Ors. ....Respondents through
Mr.Jamshed Beg, Advocate for
L&B Department
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA

W I T H

16. W.P.(C) 13043-50/2005

Virander Singh & 7 Ors. ....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Keshav Dayal, Sr.Advocate
with Mr.Pushkar Sood,
Advocate for UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Adv for DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG
Mr.Jamshed Beg, Advocate for
L&B Department

W I T H

17. W.P.(C) 13081-84/2005

Sunil Sharma & 3 Others . .....Petitioners through
Mr.P.N.Lekhi, Sr.Advocate with
Mr.Sumit Bansal and
Mr.Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Keshav Dayal, Sr.Advocate
with Mr.Pushkar Sood,
Advocate for UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG

Mr.Jamshed Beg, Advocate for
L&B Department

W I T H

18. W.P.(C) 13092-94/2005

B.R.Pipes P.Ltd. & Ors. ....Petitioners through
Mr.Ravindra Sethi, Sr.Advocate
with Mr.Rajiv Kumar Ghawana
and Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Sanjeev Sachdeva &
Mr.Chetan Chopra, Advocates
for UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG

W I T H

19. W.P.(C) 13556-69/2005

Ajay Kumar Gupta & Ors ....Petitioners through
Mr. P.R. Chopra, Advocate.

versus

Govt.of NCT of Delhi & Ors ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC, L&B Deptt. & LG

W I T H

20. W.P.(C) 14122-31/2005

Ravi & Ors. ....Petitioners through
Mr.Anand Yadav, Advocate

versus

Govt.of NCT of Delhi & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC, L&B Deptt. & LG

W I T H

21. W.P.(C) 14288/2005

M/s.Golden Cashews ....Petitioner through
Mr.Anand Yadav, Advocate

versus

Govt. of NCT of Delhi & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC, L&B Deptt. & LG

W I T H

22. W.P.(C) 14346/2005

Chander Mohan Goyal ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate
with Mr.Rajiv Kumar Ghawana
and Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC, L&B Deptt. & LG

W I T H

23. W.P.(C) 14449/2005

Raj Goyal ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate
with Mr.Rajiv Kumar Ghawana
and Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Ms.Deepika, Advocate for L&B
Department

W I T H

24. W.P.(C) 17184-88/2005

Muni Lal Mittal & Ors. ....Petitioners through
Mr.Ravindra Sethi, Sr.Advocate
with Mr.Rajiv Kumar Ghawana
and Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Ms.Deepika, Advocate for L&B Department
Mr.Sanjay Poddar,Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA

W I T H

25. W.P.(C) 17273/2005

Rajender Singh ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Poddar, Advocate for LAC
Ms.Deepika, Advocate for L&B Department

W I T H

26. W.P.(C) 17274/2005

Raj Kumari ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar, Advocate for LAC, L&B Deptt. & LG
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA

W I T H

27. W.P.(C) 17275/2005

Manju Bala ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Ms.Deepika, Advocate for L&B Department
Mr.Sanjay Poddar,Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA

W I T H

28. W.P.(C) 17276/2005

Shruti Goyal ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Ms.Deepika, Advocate for L&B

Department
Mr.Sanjay Poddar,Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA

W I T H

29. W.P.(C) 17277/2005

Raj Rani Garg ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar,Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Pathak, Advocate for R-2 & R-3

W I T H

30. W.P.(C) 17278/2005

Mithlesh Single ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar,Adv for LAC

Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Pathak, Advocate for R-2 and R-3

W I T H

31. W.P.(C) 17279/2005

Mahinder Singh Rohil ....Petitioner through Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through Mr.Sanjay Poddar,Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Pathak, Advocate for R-2 and R-3

W I T H

32. W.P.(C) 17280/2005

Ramdharee Goyal ....Petitioner through Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through Mr.Sanjay Poddar,Advocate for LAC

Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr. Sanjay Pathak, Advocate for R-2 and R-3

W I T H

33. W.P.(C) 17281/2005

R.P.Gupta ....Petitioner through Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through Mr.Sanjay Poddar, Advocate for LAC
Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Pathak, Advocate for R-2 and R-3

W I T H

34. W.P.(C) 17282/2005

Om Prakash ....Petitioner through Mr.Ravindra Sethi, Sr.Advocate with Mr.Rajiv Kumar Ghawana and Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through Mr.Sanjay Poddar,Advocate for LAC

Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Pathak, Advocate for
R-2 and R-3

W I T H

35. W.P.(C) 17283/2005

Nirmal Khurana ....Petitioner through
Mr.Ravindra Sethi, Sr.Advocate
with Mr.Rajiv Kumar Ghawana
and Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar, Advocate for
LAC
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Pathak, Advocate for
R-2 and R-3

W I T H

36. W.P.(C) 17346/2005

Ram Mehar Dagar ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC, & L&B Deptt.

W I T H

37. W.P.(C) 173502005

Tapan Jain ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC & L&B Deptt.

W I T H

38. W.P.(C) 17351/2005

Pratap Bhansali ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar, Advocate for
LAC & L&B Deptt.

W I T H

39. W.P.(C) 17353/2005

Satish Kumar Goyal ....Petitioner through
Mr.Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA

Mr.Sanjay Poddar, Advocate for LAC & L&B Deptt.

W I T H

40. W.P.(C) 17409/2005

S.S.Aggarwal ....Petitioner through
Mr.Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Poddar, Advocate for LAC
Mr.Sanjay Pathak, Advocate for R-2 & R-3

W I T H

41. W.P.(C) 17418/2005

Dharambir Singh Dagar ....Petitioner through
Mr.Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Poddar,Advocate for LAC & L&B Deptt.

W I T H

42. W.P.(C) 17425/2005

Raj Singh Mann ....Petitioner through
Mr.Sanjay Mann, Advocate

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

43. W.P.(C) 17427/2005

Pawan Kumar ....Petitioner through
Mr. Sanjay Mann, Advocate

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

44. W.P.(C) 17449/2005

Asha Aggarwal ....Petitioner through
Mr. Sanjay Mann, Advocate.
Advocate

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

45. W.P.(C) 17492/2005

Satish Kumar Goel ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

46. W.P.(C) 17493/2005

Dhanraj ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

47. W.P.(C) 17516/2005

Satbir Singh ...Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-2 & R-3

W I T H

48. W.P.(C) 17518/2005

Anju Verma ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-2 & R-3

W I T H

49. W.P.(C) 17566/2005

S.S.Aggarwal ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-2 & R-3

W I T H

50. W.P.(C) 17625/2005

Meera Gupta ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar, Advocate for
LAC & L&B Deptt.

W I T H

51. W.P.(C) 18119-28/2005

Prem Wati & Ors. ....Petitioner through
Mr. P.R. Chopra, Advocate.

versus

Govt.of NCT of Delhi & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

52. W.P.(C) 18163/2005

Ashwani Gupta ....Petitioner through
Mr. P.R. Chopra, Advocate.

versus

Govt of NCT of Delhi & Ors.....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-1 & R-2

W I T H

53. W.P.(C) 18170-76/2005

D.K.Jain & Ors. ....Petitioner through
Mr. P.R. Chopra, Advocate.

versus

Govt. of NCT of Delhi & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-1 & R-2

W I T H

54. W.P.(C) 18202/2005

Ram Piary ....Petitioner through
None.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Ms.Deepika, Advocate for L&B
Deptt.

W I T H

55. W.P.(C) 18228/2005

Shyama Nand Jha ....Petitioner through
Mr. Harish Pandey, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Mr.Sanjay Pathak, Advocate for
R-2 & R-3

W I T H

56. W.P.(C) 18262/2005

Rajpati ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC

Ms.Deepika, Advocate for L&B Department

W I T H

57. W.P.(C) 18277-78/2005

Yogi Raj Puram Jain Colony R.W. ....Petitioner through Mr.P.N.Lekhi, Sr.Advocate with Mr. Sumit Bansal and Mr. Manish Paliwal, Advocates

versus

Union of India & Ors. ....Respondents through Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA Mr.Sanjay Poddar, Advocate for LAC Mr. Anoop Bagai with Ms.Pratibha Sharma, Advocate for MCD Mr.Sanjay Pathak, Advocate for R-2 ,3,6 & 8

W I T H

58. W.P.(C) 19624/2005

Jagmohan Khanna ....Petitioner through Mr.V.P. Rana, Advocate.

versus

Union of India & Ors. ....Respondents through Mr.Gaurav Sarin, Advocate with Ms.Charul Sarin, Advocate for DDA Mr.Sanjay Poddar ,Advocate for LAC

Ms.Deepika, Advocate for
L&B Deptt.

W I T H

59. W.P.(C) 20016-35/2005

Jai Bhagwan Yadav & Ors. ....Petitioner through
Mr.Ravindra Sethi,
Sr.Advocate with Mr.Rajiv
Kumar Ghawana and
Mr.Puneet Sharma,
Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin,
Advocate with Ms.Charul
Sarin, Advocate for DDA
Mr. Sanjay Poddar,
Advocate for LAC
Mr.Sanjay Pathak,
Advocate for R-2 & R-3

W I T H

60. W.P.(C) 22015-17/2005

Gyani Ram & Ors. ....Petitioner through
Mr. V.P. Rana, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC & L&B Deptt.

W I T H

61. W.P.(C) 22688-89/2005

Vishwanath Agarwala & Anr ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Poddar,Advocate for LAC
Ms.Deepika, Advocate for L&B Department

W I T H

62. W.P.(C) 22941-44/2005

Vijender Singh & Ors. ....Petitioners through
Mr.Rajiv Kumar Ghawana and
Mr.Puneet Sharma, Advocates

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for DDA
Mr.Sanjay Poddar,Advocate for LAC
Mr.Sanjay Pathak, Advocate for R-2 & R-3

W I T H

63. W.P.(C) 23286/2005

Devinder Kumar ....Petitioner through
Mr. Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Sanjay Poddar for LAC &
L&B

W I T H

64. W.P.(C) 23387-90/2005

Surinder Kaushik & Ors. ....Petitioner through
Mr. P.S. Bindra, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Pushkar Sood, Advocate for
UOI
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Advocate for
DDA
Mr.Sanjay Poddar,Advocate for
LAC
Ms.Deepika for L&B Deptt.

W I T H

65. W.P.(C) 2472-74/2006

Mahendra Kumar & Ors. ....Petitioner through
Mr.Sanjay Mann, Advocate.

versus

Union of India & Ors. ....Respondents through
Mr.Gaurav Sarin, Advocate with
Ms.Charul Sarin, Adv for DDA
Mr.Sanjay Poddar, Adv for LAC
Ms.Deepika for L&B Deptt.

Judgment Reserved on: May 31, 2007

Judgment Delivered on : July 09, 2007

CORAM:
HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE J.P. SINGH

1. Whether reporters of local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not? Yes
3. Whether the Judgment should be reported In the Digest? Yes

J U D G M E N T

VIKRAMAJIT SEN, J.

1. This batch of writ petitions challenges the legality of the acquisition of land contiguous to the existing colony called Rohini, the largest residential colony in Delhi, if not India and Asia. Phases I to IV- of Rohini have already been completed. The assailed acquisition was initiated by the publication of a Notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) bearing No.F.11(19)/2001/L&B/LA/20112 dated 21.3.2003. A scanned copy of the Delhi Gazette: Extraordinary reads thus:

No. F. 11(19)/2001/L&B/LA/2012.—Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government at the public expense for a public purpose namely for Rohini residential Scheme. It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

The notification is made under the provisions of Sub-section 1 of Section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor, Delhi is pleased to authorize the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality, may within 30 days of the publication of the notification file an objection in writing before the Land Acquisition Collector (North-West), Delhi.

Map showing the boundaries of land covered by the Notification is available for inspection in the office of the Land Acquisition Collector (North-West), Delhi.

SPECIFICATION

VILLAGE	TOTAL ARE	SOLD NOS	AREA

Land measuring approx. 9030 hectare is bounded on the North by Western Yamuna Canal leading towards east and joining with Land already acquired by DDA (Phase 4 & 5) and thereafter leading towards South bounded by Rohtak Railway Line and thereafter leading towards West bounded by High Tension Line.

By Order and in the name of the
Lt. Governor of Delhi
H.D. MAHI, Dy. Secy.(LA)

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

2. We have scanned the Gazette for the reason that learned counsel for the Petitioners have vehemently contended that the rectangle by means of which the land which is the subject matter of the acquisition has been depicted is misleading. It will be relevant to record that if the actual map is perused, the rectangle would be longer from North to South than West to East. One of the questions that arises is whether this erroneous depiction is sufficient cause for invalidating the acquisition. The Objections received in response to the Notification have been rejected. Thereafter, the Declaration under Section 6 of the Act bearing F.11(11)/2004/L & B/LA/28281, was gazetted, on 19.3.2004. In contrast to the subject Notification, this Declaration mentions the villages, together with Khasra Nos.. The villages involved in the acquisition includes Barwala, Rani Khera, Muhamadpur Majri, Karala, Begumpur, Pehladpur Bangar, Pansali, Mundka and Kirari Suleman Nagar (Patti Nithiari). It has strongly been argued that the subject Notification is so vague that it vitiates the acquisition, and that details similar to those contained in the Declaration could easily

have been furnished. Notices under Sections 9 and 10 came to be issued on 4.6.2005 and Award No.6/2005-2006 has been published on 12.7.2005.

3. The Objections under Section 5A are in great detail having been prepared by the Petitioners' Advocates. Some of the Petitioners have filed the Report prepared by the Land Acquisition Collector pursuant to Section 5A of the Act which would be beneficial to extract. It is significant that the Report is not dated:

OFFICE OF THE LAND ACQUISITION COLLECTOR

NORTH WEST DISTRICT

KANJHAWLA, DELHI.

No. F.17/9/LA(N)/2003/ Dated:

5-A hearing

S. No.	Village	No. of Objectors	Kh.No./ Area involved	Comments	Remarks
1	Rani Khera	01	Land measuring	The land is totally	As per survey there exists unauthorised colonies in the land

			271-17. Details of the land is annexed in respect of village Rani Khera	built up in the form of residential houses, Shops, School, Boundary wall, roads etc. Hence, the same be left from acquisition.	measuring 271-17 (details enclosed) and balance land is vacant. Decision as regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies.
2	Madanpur Dabas		72-01. Details of the land is annexed in respect of village Madanpur Dabas	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other ameniti	As per survey report there exists a kabristan in Kh. No. 25//21 min measuring 1-00. There is no mention of the same in the record. In the balance land there exist unauthorized colony consisting of residential houses, shops, school, roads etc. Details of which is enclosed. Decision as regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies.

				es.	
3	Mubarakpur Dabas	39	716-14. Details of the land is annexed in respect of village Mubarakpur Dabas	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other amenities.	There exists Govt.School and some private schools apart from religious structures, residential houses, shops, roads, Kabristan etc. The detail of which is annexed in the built up list. Decision as regards non-acquisition of built up area/ unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies.
4	Muhammadpur MajriDabas	207	375-07. Details of the land is annexed in respect of village Muhamadpur Majri Dabas.	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it	-do- plus there exists gas godowns. Colonies like Rama Vihar etc. which is included in the list of 1071 unauthorised colonies, Details of the built up area is enclosed.

				alongwith other amenities	
5	Karala	162	998-13. Details of the land is annexed in respect of village Karala	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other amenities.	Unauthorised colonies like Utsav Vihar, Jain Nagar, Tirath Nagar etc. which are included in list of 1071 unauthorised colonies exist in the land. The colonies are fully occupied and consisting of houses, shops, religious structures, schools, kabristan etc. Metal roads are in existence. Details of which is enclosed. Decision as regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies.
6	Begumpur	199	852-06. Details of the land is annexed in respect of village Begumpur	Almost all objectors have stated to spare their land from acquisition as houses have	Unauthorised colonies like Utsav Vihar, Begumpur Extn. Naveen Vihar etc. The colonies are fully occupied and consisting of houses, shops, religious structures, schools, kabristan etc. MCD has constructed roads on the said land. Details of which is enclosed. Decision as

				been constructed on it alongwith other amenities. Some have sanctioned farm house.	regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies. Consolidation took place in early fifties. Since then the Lal dora has not been extended.
7	Kirari Suleman Nagar	947	5414-09. details of the land is annexed in respect of village Kirari Sulaman Nagar.	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other amenities.	Unauthorised colonies like Prem Nagar-I, II & III etc. are in existence which have been included in the list of 1071 colonies. 13-14 Govt.School alongwith many a private schools are also in existence. The land is thickly populated. Details of built up area is enclosed. Decision as regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies. **Note: vacant land details is enclosed. Balance land is built up.**

8	Kirari Sulemaan Nagar (Patti Nithari)	10	889-14. details of the land is annexed in respect of village Kirari Sulemaan Nagar (Patti Nithari)	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other ameniti es.	Unauthorised colonies like Prem Nagar-III and other colonies are in existence which have been included in the list of 1071 colonies. All basic facilities exists in the colonies. There exists Govt.Schools and private School in the land in question. Details of which is enclosed. Decision as regards non-acquisition of built up area/unauthorized colony may be taken up as per the Government policy in respect of unauthorized colonies.
9	Pehladpur Bangar	113	496-02. details of the land is annexed in respect of village Pehladpur Bangar	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other	Kh.No.45/2, 9, 12, 19, 22, 52/1, 2, 9, 10, 11, 12, 19, 20, 21 & 22 which was notified U/s 4 of the L.A.Act dated 27.10.99 was later excluded from the acquisition U/s 6 issued on dated 3.4.2000 on the ground that the lands is built up and within 50 meters range of Lal Dora/village Abadi. The aforesaid land is falling in the present notification and as such the same is being excluded from the draft notification.

				ameniti es.	Further, it is also stated that the consolidation took place in the year 1954 and since then the population of the village has increased by manifolds but the lal dora remained the same. As such, the villagers have constructed their house adjoining the lal dora. Hence, the same be excluded from the acquisition and falling within the limit of 50 meters from the village Abadi. The list of Kh.No.adjoining the lal dora area 39//7 ,8,9,10, 13, 14/1, 14/2, 17, 16, 25, 40//20/, 21/1, 22/2, 38/19, 22/1, 23/1, 46//26, 9, 19, 22,23, 51//3, 4, 7,8, 13, 14, 6, 15, 51//11, 20, 12, 19, 17, 18, 16, 25, 23/1, 23/2, 22/1, 22/2, 211, 21/2, 24. Apart from above there exists Govt. School, Govt. Hospital and NDPL office in the following Kh.No. 38//2, 3,4,5,6,7,8,9,12, 13, 14, 15, 24, 26, 27, 28, 29, 30, 37//14/2, 17, 18, 23, 24/1, 24/2, 46//26 min, 27, 10, 11, 12, 19. There exist community centre in Kh.No.46//2,

					3. The aforesaid Kh.No. be left from acquisition. As regards other built up structures there exist Jain Colony which has been included in the 1071 colony, decision may be taken up as per the Government policy in respect of unauthorized colonies.
10	Pansali	375	134-16. Details of the land is annexed in respect of village Pansali.	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other amenities.	There exists unauthorized colonies. The houses have been built in 25-30 Sq.yds land. Also there exists religious structures. Details of built up area is enclosed. Decision to spare the said land from acquisition may be taken up as per the Government policy in respect of unauthorized colonies.
11	Barwala	311	362-69. Details of the land is annexed in	Almost all objectors have stated to spare	There exists a temple about 60-70 years old out of Kh.No. 10//26. Sentiments of people are attached with it. Hence, the temple be

			respect of village Barwala	their land from acquisition as houses have been constructed on it alongwith other amenities.	left from acquisition. There exists Kabristan in Kh.No.86. But as per survey report factory is running on the aforesaid land. As per record the land belongs to Wakf Board. Also as per survey report there exists plots issued under 20 point programme (there is no mention of it in the record). Other land of the Wakf Board are 28//27 (masjid), 20 (vacant land). Apart from it there exists govt. school out of Kh.No.82. Shamshan Ghaat exists in Kh.No.33//13 min. Other Govt. Building exists in Kh.No.28//12, 13, 19. The said land be left from acquisition. Moreover the land is within the 50 meter range of the village Abadi. Also there exists farmhouse adjoining the village. Details of such land is enclosed in the built up list of the village. The consolidation of the village took place in early 50 although the population has

					increased by many folds the village Abadi has remained the same as such villagers have constructed their houses adjoining the village Abadi.
12	Pooth Khurd	53	13-10. Details of the land is annexed in respect of village Pooth Khurd	Almost all objectors have stated to spare their land from acquisition as houses have been constructed on it alongwith other amenities.	There exists houses and shops in the said land. Moreover the said land is adjoining the Lal Dora of village Barwala and 50 meter range of village Barwala. Details of built up area is enclosed. Decision to denotify the same may be taken in consultation with the requisitioning deptt.
13	Khera Khurd	14	42-15. details of the land is annexed in respect of village Kheda	Almost all objectors have stated to spare their land from acquisition as houses	There exist Farm House and other structure/boundarywall and Samadhi. No case be deleted from acquisition.

			Khurd	have been constructed on it alongwith other amenities.	

4. It is in this factual matrix that the acquisition has been assailed on several grounds by Mr. Ravindra Sethi and Mr.P.N. Lekhi, learned Senior Advocates among other learned counsel for the Petitioners. We shall now endeavour to deal with each one of these Objections.

A. CHANGE OF PUBLIC PURPOSE

5. The Notification recites that it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government at public expense for a public purpose namely for Rohini Residential Scheme. The recital in the Declaration is to the effect that "the Lt. Governor, Delhi is satisfied that land is required to be taken by Government at the public expense for a public purpose

namely for ROHINI RESIDENTIAL SCHEME under Planned Development of Delhi". It has been contended on behalf of the Petitioners that the Rohini Residential Scheme has not been made public, and that it has not been conceived of under the Delhi Development Act. The public purpose should, it is argued, have been mentioned in the proper detail, and since it is vague, the entire proceedings are illegal and should be struck down by us. Reliance has been placed on *Hajari -vs- The State of M.P. Bhopal*, AIR 1976 Madhya Pradesh 76. Speaking for the Full Bench Justice J.S. Verma, as the learned Chief Justice of India then was, opined that if the name of the village has been specified this would ordinarily be sufficient compliance of Section 4(1) of the Act as it indicated the 'locality' that was affected by the proposed acquisition. This decision is not an authority for the proposition that the village(s) must invariably be named. In fact, the Full Bench observed that if blocks within the village were left out, confusion may be created in the minds of the villagers. The essence of the Judgment is that the locality can be detailed by mentioning the village concerned, but this is only one of the methods

that can be adopted. This decision also does not advance the argument that a diagram mentioning the boundaries of the land that is proposed to be acquired is legally improper.

6. A similar opinion can also be found in the decision of the Full Bench in *Bahori Lal -vs- Land Acquisition Officer*, AIR 1970 Allahabad 414. The question that had arisen was whether the description of the land sought to be acquired without giving the number of plots but by referring to a map which could be inspected in Office of the Collector fulfilled the expectations of the law. In that case a mention had been made that the land proposed to be acquired was to the extent of 2.15 acres in Mauza Mathura, Pargana Mathura and District Mathura and that a Site Plan was available for perusal in the Office of the Collector. Obviously, this description was too wide to indicate the particular land which was to be acquired. Mr. Sethi has also relied on *NarendraJit Singh -vs- The State of U.P.*, 1970(1) SCC 125. It was observed in paragraph 8 as follows - "Section 4 does not require that the identity of the

lands which may ultimately be acquired should be specified but it enjoins upon the Government the duty to specify the locality in which the land is needed. In the instant cases the notifications suffer from a very serious defect in that the locality where the lands were needed was not satisfied. The notification merely showed that lands mentioned in the schedule were needed. The schedule in its turn though it contained the headings District, Pargana, Mauza and approximate area, gave no particulars of the same and all that was mentioned by way of a note was that the plan of the land might be inspected in the office of the Collector of Rampur. As no details were given, the only indication about the locality of the lands was possibly the District of Rampur inasmuch as the plan of the land was to be found in the office of the collector of the same district. Certainly the Act did not intend that all the persons owning land in a district should rush to the Collector's office to find out whether his lands were covered by the notification". The underlined sentence runs counter to the arguments put forward before us. In *Narindrajit Singh and Ranjit Singh -vs- The State of U.P.*, (1973) 1 SCC 157 no compliance of Section 4(1) of

the Act was made on the specious understanding that this was not required because Section 17(4) of the Act had been invoked. *State of Mysore -vs- Abdul Razak Sahib*, (1973) 3 SCC 196 is distinguishable for the reason that whilst the Notification under Section 4 was issued in the Official Gazette on August 17, 1961, notices, as required by that Section, were not published in the locality till November, 1961. The action was struck down on this short ground. These decisions are therefore irrelevant.

7. Learned counsel for the Petitioners have also relied on *Madhya Pradesh Housing Board -vs- Mohd. Shafi*, (1992) 2 SCC 168 because of two findings made therein. Their Lordships noted that a perusal of the schedule appended to the Section 4(1) Notification showed that the only description given about the particulars of 2.29 hectares of land proposed to be acquired was that it was situated in District Mandsaur, Tehsil Mandsaur, Village Mandsaur. Secondly, the 'public purpose' for which the land was required was stated to be 'residential'. This decision is of no relevance since the boundaries stated in

the subject Notification leave no doubt of the lands which fall within the contemplation of the Notification. Learned counsel for the Petitioners have failed to sufficiently substantiate how the mention of the high tension line at the Western extremity of the land is at all nebulous. Similar is the position as far as the North is concerned since the Yamuna Canal has been adverted to which cannot create confusion. The position is similar so far as the South is concerned since the Rohtak Railway Line has been depicted. The Eastern boundary refers to Phase -IV and V of the land already acquired which obviously has reference to Rohini. Persons whose land had not been acquired, at the Eastern extremity of the Notification corresponding to the Western side of Rohini Phase IV and V have been clearly put to notice of the intentions of the Government, and that such persons could avail of the opportunity of filing Objections under Section 5A of the Act. In the present case we are dealing with 3000 hectares of land and it is certainly arguable that if minute and specific details had been given in the subject Notification, it may be undecipherable and incomprehensible to the concerned

person. The Court must be satisfied that the description was not such as would confuse the public with regard to which land is sought to be acquired leading to a failure to exercise the invaluable rights to object to the acquisition in terms of Section 5A of the Act. Looking at the subject Notification we are of the view that it conveys to the public in a most satisfactorily definite manner of the lands which are proposed to be acquired. We have already noted that the development of several phases of Rohini has reached an advance stage. All citizens of Delhi, and definitely owners and occupiers of land adjoining or surrounding the existing Rohini complex, cannot but be aware of what is commonly known as the Rohini Residential Scheme as also that this Scheme is an important part of the Planned Development of Delhi.

8. No useful purpose can be served by referring to *Munshi Singh -vs- Union of India*, (1973) 2 SCC 337 since this decision has been considered by the Constitution Bench in ***Aflatoon*** *-vs- Lt. Governor of Delhi*, 1975(4) SCC 285, in which the Apex Court had granted its imprimatur to

the phrase 'Planned Development of Delhi'. It appears plain to us that the mention of Rohini Residential Scheme provides added detail, and therefore cannot be faulted. So far as the shape of the rectangular is concerned, since boundaries have already been disclosed, likelihood of confusion is minimal. Secondly, the fact that the rectangle should be vertical and not horizontal is not a factor which would weigh in the minds of the owners/occupiers of the land. This discrepancy would be noted only by an astute advocate, who in any case would harbour no doubt as to the extent of the acquisition on a perusal of the boundaries mentioned in the subject Notification. Topically, the Apex Court was satisfied that the public purpose for acquisition of land measuring 3000 acre 'for the execution of the Interim General Plan for the greater Delhi' satisfied the requirements of the Act in *Lila Ram, Birla Cotton Spg. & Wvg. Mills -vs- The Union of India*, AIR 1975 SC 2112. In *S. Gurdial Singh -vs- Ludhiana Improvement Trust*, AIR 1997 SC 2573 their Lordships were satisfied that since the map and the scheme was available for inspection, and was

also annexed to the Declaration, failure to disclose the public purpose would not invalidate the acquisition.

9. In this context Mr. Lekhi has drawn our attention to Articles 239AA, 243E and 243F as also Section 50 of The Delhi Municipal Corporation Act, 1957. It was on this basis that he has submitted that rather than draw up a plan in the Notification, a reference should have been made to Wards, Khasra Nos. etc. The fallacy in the argument is that this may be one of the methods whereby land can be described for any purpose, but not the only one. So far as Section 4 of the Act is concerned the Notification must indicate the lands which may fall under the acquisition hammer in order to put the owners/occupiers to caution that firstly Government officials can enter upon the land to inspect it with a view to assess its suitability for achieving the public purpose mentioned in the Notification, and secondly to enable the parties affected by Notification to remonstrate against and resist the proposal by filing Objections under Section 5A. In our opinion the Declaration under Section 6 must perforce be in greater

detail so far specifications of the land are concerned since it has the effect of expropriating the land and not merely to put the public to notice of the intention to do so. We find no error in the manner of description of the land in the subject Notification delineated for acquisition.

B. ACQUISITION OF LANDS SLATED FOR REGULARISATION

10. The Deputy Director (LA), Land and Building Department, Government of NCT in terms of his Affidavit dated 25.4.2007 has duly disclosed that there are 1432 applications from Resident Welfare Association for regularisation of unauthorised colonies in NCT of Delhi. Of the 1072 such clusters 46 unauthorised colonies are stated by him to be in existence in the Rohini Residential Scheme (Zone M+H). A map has also been filed with the Affidavit. There is some controversy as to whether the land in question falls within these unauthorised colonies slated for regularisation but we shall proceed on the basis that the Petitioners' lands/properties fall within the category of colonies likely to be regularised. The submission of the

Respondents, however, is that regularisation has no bearing on acquisition, which has to be completed in consonance with the provisions of the Act. On the other hand learned counsel for the Petitioners contend that no purpose would be served in acquisition of the land if it is to be subsequently regularised. These arguments have already been considered by the Full Bench of this Court in ***Roshnara Begum*** *-vs- Union of India*, AIR 1996 Delhi 206, which stands affirmed by the Supreme Court in ***Murari*** *-vs- Union of India*, (1997) 1 SCC 15. Their Lordships have observed that where large expanses of land were to be acquired for the `Planned Development of Delhi', it would not be proper to leave out portions therefrom only because construction had been carried out. The Full Bench had noted that in the event that any of the Petitioners were covered by some policy of regularising the unauthorised colonies the proper course to be adopted was to approach the Government and not to question the acquisition. The Full Bench had also affirmed the approach of an earlier Division Bench in ***Shri Bhagwan*** *-vs- Union of India*, 1991(2) Delhi Lawyer 59 (DB). B.N. Kirpal, J., as learned

Chief Justice of India then was, speaking for the Division Bench in ***Shri Bhagwan*** had observed that administrative instructions where the Lt. Governor exercises the statutory power that cannot be curtailed by Administrative authorities can always change or modify their earlier decisions, except where principles of promissory estoppel have come into operation, i.e. where the petitioners had acted to their detriment as a result of that administrative policy. The Bench also rejected the argument that where large-scale habitation on lands has already come into existence, its acquisition ought not to be carried out. The Bench pithily observed that they were not dealing with the acquisition of land for allotment to a society, but rather for the `Planned Development of Delhi'. The Bench also repulsed the postulation that agricultural land could not be earmarked for industrial or residential requirements, applying *Bharat Singh -vs- State of Haryana*, 1988(4) SCC 534. The opening arguments that the "petitioners will be rendered homeless and thousands, if not lacs, of families will be uprooted if the acquisition is not quashed" did not impress the Division Bench. This approach has also been

favoured by another Division Bench of this Court presided over Y.K. Sabharwal, J., as the learned Chief Justice of India then was, titled ***Prem Chand Ramesh Chand*** *-vs- Delhi Development Authority*, 66(1997) DLT 482(DB), noting the argument "that there is any public policy to regularise unauthorised colonies or there is a policy decision not to acquire built up area, are concluded against the petitioner by a Division Bench decision of this Court in the case of Attar Singh vs- DDA (CW 3110 of 1991) decided on 10th August, 1992". In Attar Singh the Division Bench recorded that it had been "contended that unauthorised colonies on Government land are sought to be regularised. It is possible that a political decision to this effect may be taken with regard to some of the colonies but as far as this land is concerned, there have been valid proceedings for acquisition under the provisions of the Land Acquisition Act. If there was any built-up area as on the date when Section 4 Notification was issued, the claimants would be entitled to receive compensation in accordance with law". Ironically, it is Mr. Ravinder Sethi who had ably argued ***Prem Chand Ramesh Chand***, but for the

Respondent/DDA. Alas, he did not bring ***Prem Chand Ramesh Chand*** to our notice. In this analysis this is now the well-entrenched view, taken by the three Division Benches of this Court, as also the Full Bench in ***Roshnara Begum***, affirmed by the Supreme Court in ***Murari***. Unfortunately, the same points are agitated time and again before each and every Bench to which the Land Acquisition Roster is assigned.

C. SHOULD PUBLIC POLICY PREVAIL OVER STATUTORY LAW

11. It was in these circumstances that Mr. Lekhi has contended that statute law is always subservient to public policy. According to him, Public Policy dictates that no injury or deviation can be tolerated to the welfare of citizenry, and by the same token tendencies harmful to the public. Public Policy as defined in the Black's Law Dictionary is - “The general principles by which a government is guided in its management of public affairs, or the legislature in its measures”. We have read the decision of the House of Lords in *Fender -vs- Mildmay*, 1937 (Vol.3) All ELR 403 (at page 414). However, in our

opinion, the observations are of no assistance to the Petitioners. In his speech Lord Thankerton has said that "there can be little question as to the proper function of the courts in questions of public policy. Their duty is to expound, and not to expand, such policy. That does not mean that they are precluded from applying an existing principle of public policy to a new set of circumstances, where such circumstances are clearly within the scope of the policy. Such a case might well arise in the case of safety of the state, for instance. No such case is suggested here". No such case is made out even before us. Public Policy cannot override statutory law except in very rare circumstances. It cannot be gainsaid that Public Policy, in fact, finds expression in enactments of Parliament. It is inconceivable that Public Policy can run counter to the will of Parliament. Mr. Lekhi's reliance on the following passage from De Smith Woolf and Jowell Judicial Review of Administrative Action is not logical. On the contrary the observations militate against the Petitioners since they have indubitably acted against the law and their endeavour is to profit from their own misdeeds:

> Associated with the presumption of implied human rights is the presumption that Parliament intends the powers it confers to be exercised in accordance with “public policy”. Public Policy is an “unruly horse” which must be ridden with care, but it is the public law equivalent of private law equitable principles, such as that which states that no person may benefit from his own wrong. Thus the courts will presume that Parliament did not intend to imperil the welfare of the state or its inhabitants. In a recent case public policy has even been held to override the clear terms of a statute, when to conform with the letter of the statute might have endangered a life.

12. As has been correctly emphasised by learned counsel for the Respondents the land in question is agricultural in nature and contrary to this embargo, the Petitioners have on their own showing constructed residential, commercial or factory structures. We are also unable to accept Mr. Lekhi's argument, which is in derogation of his argument of the preeminence of Public Policy, that the Cabinet has approved the scheme to regularise unauthorised colonies. The impugned acquisition proceeds on the strength of the Act and till such time amendments are carried out to this

statute, a Cabinet decision would have no legal efficacy. Our attention has also been drawn to the opinion of the U.S. Supreme Court in ***Ellis Gregory****, Jr. and Anthony P. Nugent, Jr. Judges, -vs- John D. Ashcroft, Governor of Missouri*, 115 L. Ed. 2d 410. Justice Sandra Day O'Connor, speaking for the majority, had observed as follows:

> "Policy" is defined as "a definite course or method of action selected (as by a government, institution, group, or individual) from among alternatives and in the light of given conditions to guide and usu[ally] determine present and future decision". Webster's Third New International Dictionary 1754 (1976). Applying that definition, it is clear that the decision making engaged in by common-law judges, such as petitioners, places them "on the policymaking level". In resolving disputes, although judges do not operate with unconstrained discretion, they do choose "from among alternatives" and elaborate their choices in order "to guide and ... determine present and future decisions". The quotation from Justice Holmes in the majority's opinion, is an eloquent description of the policymaking nature of the judicial function. Justice Cardozo also stated it well:

> "Each [common-law judge] indeed is legislating within the limits of his competence. No doubt the limits for the judge are narrower. He legislates only between gaps. He fills the open spaces in the law .... [W]ithin the confines of these open spaces and those of precedent and tradition, choice moves with a freedom which stamps its action as creative. The law which is the resulting product is not found, but made". B. Cardozo, The Nature of the Judicial Process 113-115 (1921).

Moreover, it should be remembered that the statutory exception refers to appointees "on the policymaking level," not "policymaking employees". Thus, whether or not judges actually make policy, they certainly are on the same level as policymaking officials in other branches of government and therefore are covered by the exception. The degree of responsibility vested in judges, for example, is comparable to that of other officials that have been found by the lower courts to be on the policymaking level. See, e.g. , EEOC v Reno, 758 F2d 581 (CA11 1985) (assistant state attorney); EEOC v Board of Trustees of Wayne Cty. Comm. Coll. 723 F2d 509 (CA6 1983) (president of community college).

13. We have given due deference to these weighty words but once again fail to appreciate their applicability. If the Cabinet has decided to regularise illegal colonies, it must further ensure that its decision is translated into law. Until this happens, there are no 'gaps' or 'open spaces' for us to fill-up. We cannot see how we will not be transgressing the very boundaries set-out in ***Ellis Gregory*** if we apply what at best is inchoate or is law in preference to statutory provisions that have held sway for over a century.

D. CHALLENGE TO SECTION 4 NOTIFICATION

14. So far as the public character of the assailed acquisition is concerned it is no longer possible to argue that the Planned Development of Delhi is not a public purpose as envisaged under the Act. There is no precedential or statutory warrant for the submission on behalf of the Petitioners that the Notification must mention Khasra Nos. as well as the name of the village or revenue estate etc. The locality which is within the purview of the proposed acquisition must be indicated in any manner which has the effect of notifying and cautioning persons

possessing an interest in such lands that it would be advisable for them to take recourse to Section 5A if they intend to oppose the proposed expropriation of these lands. The fact that the rectangle does not exactly and correctly correspond to the actual map of the area in the Notification is irrelevant in view of the precise boundaries shown in the Notification. While it may be advisable to mention the locality in the minute manner employed in the Notification dated November, 1959, outlining its boundaries is also an acceptable method. This view has been adopted in ***Baldev Singh Dhillon*** *-vs- Union of India*, 121(2005) DLT 606, in which Mr.Lekhi appeared for the Petitioners.. The Notification need not be physically signed by the Lt. Governor, so long as it is a direct product of his decision. The impugned Notification may have been signed by the Dy. Secretary (LA) but this officer has done so on the orders of and in the name of the Lt. Governor of Delhi and hence the objection is without merit. We are also not impressed by the contention that the Lt. Governor blindly acceded to the Minister's desire to carry out further acquisitions on one of his visits to the locality.

After detailed and protracted parleys in the Department, the following Note had been prepared by the Deputy Secretary (LA) and approved by the higher echelons:

> A proposal for acquisition of land measuring approximately 3000 hectare adjacent to the land already acquired for Rohini Residential Scheme was received from Director (LM) HQ, DDA vide letter dt. 31.10.2000 (1/c) Copy of the plan has also been received in this office from Joint Director (NL), DDA vide his letter dt. 29.8.2001 (p 16/c). A reminder in this regard was also received from Joint Director (NL), DDA vide his letter dt.25/26.7.2001.
>
> The proposal so received was forwarded to ADM/LAC (North-west) vide this office letter dt.12.7.2001 and its reminders dt.14.8.2001 (p 14/c), 03.10.2001 (p 18/c), 24.12.2001 (p 20/c) & d.o. Letters from Secretary (L&B) to Divisional Commissioner, dt.9.4.2002 (p24/c) & 17.6.2002 (p 27/c). Vide which he was requested to send the draft notification u/s. 4 of LA Act, joint survey report and other relevant record.
>
> ADM/LAC (North-west) vide his letter dt.25.6.2002 (p 29/c) had forwarded the draft notification u/s. 4 in respect of land measuring

approximately 3000 hectare adjacent to the land already acquired for Rohini Residential Scheme (p 28/c). The same was got scrutinized by the revenue officials of this department and found to be in order (22/N). Accordingly and as per the suggestion of Secretary (L&B) at page 24/N and 25/N, draft notification u/s. 4 under normal clause in respect of the said land was attempted and got compared by the revenue officials of this department (26/N).

Similarly vide letter No. F.9(55) /2000/CRC/North/520 dated 29.8.2001, Director (LM) HQ, had requested that approx. 14 hectare of land is to be acquired for the proposed 100 meter road connecting GT Karnal Road to Rohtak Road and is part of Rohini Residential Scheme Phase IV & V. Vide this Office letter dt.3.10.2001 ADM/LAC (Northwest) was requested to forward draft notification in respect of this land.

Vide letter dt. 25.11.02 ADM/LAC(Northwest) forwarded the draft notification in respect of 14 hectare land placed at 46 & 47/C. Based on this draft notification u/s. 4 has been prepared and placed at page 49/C.

In view of the above, if approved, we may request Hon'ble LG to kindly accord his approval

for issuance of notification u/s. 4 of the Land Acquisition Act, 1894 under normal clause in respect of land measuring approx. 3000 Hectare adjacent to the land already acquired for Rohini Residential Scheme and approx. 14 hectares of land for 100 meter road. Accordingly two draft notification are added for kind approval which are placed at pages 48/c & 49/c respectively.

(H.D.MAHI)
DEPUTY SECRETARY
(LA)
10.1.03

JOINT SECRETARY(L&B)

The Note was received in the Office of the Lt. Governor on 15-1-2003 and his consent was given a fortnight later. There is adequate material to assume that the Lt. Governor had considered the proposal in all its complexities. It is not essential, nor in fact pragmatically possible, for a detailed scheme to be in place at the time of either the subject Notification, or for that matter on the publication of the Declaration under Section 6. While exercising judicial review we are not expected to substitute our satisfaction in place of the satisfaction of the Government of NCT of

Delhi. There is enough material on the record to substantiate that the Notification follows a due exercise of mind by the Lt. Governor. We are also unable to accede to the arguments of learned counsel for the Petitioners that the detailed Plan mentioned in the Notification was not available for inspection in the Office of the Collector.

E. VALIDITY OF SECTION 5A PROCEEDINGS

15. Although it has been argued that proper publication of the subject Notification had not been carried out in the locality, nevertheless a substantial number of Objections under Section 5A had been filed before the Land Acquisition Collector by persons interested in the land under acquisition. These Objections have been drafted and even signed by Advocates. It would therefore be fair to assume that all aspects of law have been properly covered in the Objections and the interests of all inhabitants/occupants have been covered. The Petitioners have asserted therein, as well as in the writ petitions, that the Plans had not been made available to them. We find no foundation for this incredible accusation except for the

Petitioners' ipse dixit. But even otherwise nothing substantial turns on it as we are satisfied that the Notification adequately indicates the boundaries of land which had come within its sweep. Whatever doubt that may have remained would have been understood by the Advocates of the Petitioners who prepared and filed the Objections. Approximately 2500 Objections are stated to have been filed. It is sanguine to suspect that the interests of the Petitioners had not been safeguarded to the hilt. Yet another assertion had been levelled against the Respondents, namely, that a proper hearing had not been granted to the Petitioners. We find no basis for this submission. As mentioned above, the Petitioners were represented by common Advocates. The Report (supra) prepared in respect of Section 5A is indicative of the fact that a proper hearing had been given to the Petitioners and their Advocates. Learned Senior Counsel for the Petitioners have sought to contend that all the Objections should have been considered separately which we summarily reject in the facts of the present batch of petitions. The Collector is not expected to draft his Report as if he were writing a

judgment. Portions of this Report, it should not be forgotten, were not in favour of the proposed acquisition. We find no merit in the argument that the Report is "non-speaking" and it is vitiated for non-application of mind.

F. COMPLIANCE WITH SECTION 6

16. It has been enunciated several times by the Supreme Court that Sections 4, 5A and 6 have to be read and interpreted conjointly. This is so because their fields of operation are interwoven and are integrated cogs in the acquisition wheel. The most important of the three provisions is Section 6 which actually alters, with finality, the rights of the owners, occupiers or persons interested in the land. When a decision is taken under Section 6, the Lt. Governor would carefully consider the Report of the Collector under Section 5A. While doing so he would invariably become broadly acquainted with the Objections preferred by the owners/occupiers/persons interested in the land since they would have been addressed and answered in the Report. Section 6(1) only contemplates that the appropriate Government should consider the

Collector's Report, and therefore it is futile to contend that all the Objections (in the present case as many as 2500) should be actually and/or separately perused. Anyone who carefully reads the Report (supra) would become alive inter alia to the factors that (a) there were several cases where large scale construction had been carried out, (b) that regularisation of these illegal colonies was under the active consideration of the Government, (c) that the Petitioners had challenged that the acquisition was not for public purposes, (d) that hundreds of persons had remonstrated against the proposal which would have the effect of displacing and uprooting lakhs of citizens from their homesteads etc.. The Petitioners have themselves asseverated in the writ petitions that the Collector “has neither accepted nor rejected the written objections. He has given no reasons in support of either, whichever manner his disposal of the written objections is read”. The Correspondence and Notings also deal with the many complexities that have become manifest in these litigations. The pros and cons of the acquisition were at large before the Lt. Governor. Assuming that the Report suffers from

equivocation, ambivalence and indefiniteness, the Lt. Governor had no alternative but to exercise his mind and take his own decision in the matter, even if he did so in the course of one day, as has been asserted by the Petitioners, and remarkably not traversed by the Respondents. We must agree with Mr. Lekhi that the legal quality and procedural propriety of the pleadings or counter-affidavits is very shoddy. However, we cannot travel with Mr. Lekhi the whole distance, viz. that every statement in the response of the Respondents should be ignored inter alia because the verifications are improper or because the defence has been prepared by the authority not directly concerned with the issue. It is our hope that the Government henceforward conforms to the detailed parawise reply to writ petitions, as has been the well established practice. Otherwise the High Court may become intolerant of every failure to comply with legal rigours of pleadings and cases would be lost by the Government, regardless of their merits.

17. The Petitioners have incorrectly pleaded that the Lt. Governor passed an Order of one line on 17.3.2004 to the effect that - “I agree to the proposal at 'A' prepage for the issue of notification under section 6”. The Respondents have not specifically traversed the statements in paragraph 64 of WP(C) No.15946/2004 wherein it has been stated that after the Land Acquisition Collector had sent said Report to the Secretary (L&B) Department, the latter sent only the Report to the Lt. Governor/Administrator vide his note dated 16.3.2004 without noting the detailed 2500 odd objections filed; and that the Lt. Governor passed an Order for the issuance of the Declaration on 17.3.2004. The contention of the Petitioner is that since these decisions were taken on successive dates, the Lt. Governor/Administrator could not possibly have exercised his mind with the diligence that the subject matter requires. We have already observed that the Act does not contemplate that the Lt. Governor must peruse each and every Objections. If this were so it would become well-nigh impossible to take a decision within the period prescribed by the statute. It, however, remains uncontested that the

Lt. Governor had before him not only the Report under Section 5A but also a detailed note authored by the Secretary (L&D). As in the Report the recommendations of the Secretary (L&D) did not unequivocally and without qualification recommend the complete acquisition by the promulgation of the Declaration under Section 6. The Petitioners have tried to mislead us by stating that a one line Order had been passed by the Lt. Governor and for this reason we are reproducing below the said Order in its entirety. It will be evident from the reading of the Order that it was well-informed, duly considered and taken without undue haste. It makes it abundantly clear that a decision to publish the Declaration had been taken after the Lt. Governor/Administrator was subjectively satisfied of the expediency of this measure.

> I agree to the proposal at 'A' prepage for the issue of notification under section 6.
>
> For exclusion of the heavily built up areas, which the government has agreed to regularise, we should make use of the aerial photographs of March 2002. I am informed by Principal

Secretary(UD) that prints of those photographs have not yet become available and that we are expecting them by end-March. As soon as we get them, we should transpose the photographs on the sizra and an exercise should be undertaken to delineate the outer boundary of the built up parts and exclude the khasra numbers falling within that outer boundary from further proceedings under the Land Acquisition Act. That boundary should also be taken as the limit of regularisation and if authenticated copies should be sent to the agencies concerned with regularisation and provision of infrastructure.

Secretary(Land) may work on this approach further and refine it in its implementational details.

Vijai Kapoor
Lieutenant Governor
17.03.2004

18. Learned Senior Counsel for the Petitioners have belaboured the fact that the succeeding Lt. Governor was of the opinion that the method of superimposition of aerial maps on sizra has its own problems. Our attention has also been drawn to subsequent notings dealing with acquiring the entire tract of land in the face of the likelihood of regularisation of unauthorised colonies. No useful purpose

will be served in doing so since the subsequent notings and comments do not impinge upon the propriety of the Declaration dated March 19, 2004 pursuant to the decision of the Lt. Governor dated March 17, 2004. At best these subsequent events, discussions and observations would be relevant for a decision to allow or disallow the Denotification of the acquired land in terms of Section 48 of the Act, in which neither the Writ Court nor the Civil Courts have any role to play. We are satisfied that the Declaration dated 19.3.2004 has been issued in consonance with the procedure.

G. OTHER GROUNDS BUT WHICH HAVE ALREADY BEEN REJECTED

19. A number of other grounds have been raised by learned Senior Counsel for the Petitioners. It is argued that the Rohini Residential Scheme is not a statutory Scheme. It appears that this question had also been raised and rejected by this Court in ***Baldev Singh Dhillon***, to which our attention was not drawn during the opening

arguments. Learned counsel for the Respondents had in their Arguments in Reply made reference to the said decision. We must immediately state that learned Senior Counsel for the Petitioners ought to have first brought ***Baldev Singh Dhillon*** to our notice straightaway and thereafter had endeavoured to convince us that that decision should not be affirmed or approved. It is specious to contend that the factual matrix in ***Baldev Singh Dhillon*** is different to that obtaining in these Petitions and hence it was not necessary for learned counsel to preface their arguments with a reference to the said case. Mr. Lekhi had fruitlessly relied on paragraph 312 of ***Bombay Dyeing*** *& Mfg. Co. Ltd.(3) -vs- Bombay Environmental Action Group*, (2006) 3 SCC 434. It is of no assistance whatsoever to the Petitioners as it does not excuse them for failing to draw our attention to dialectic of ***Baldev Singh Dhillon***. It is too simplistic to contend that ***Baldev Singh Dhillon*** deals with the channelisation of River Yamuna with which we are not presently concerned. There is no manner of doubt that our attention should have been drawn to ***Baldev Singh*** case prior to raising contentions

that had already been answered in that case. Paragraph 312 of the ***Bombay Dyeing*** reads thus:-

> 312. So far as the order of this Court dated 11-5-2005 is concerned, again the validity or otherwise of the BIFR Scheme and/or implementation thereof was not in question. An order of this Court, it is well known, must be construed having regard to the text and context in which the same was passed. For the said purpose, the orders of this Court were required to be read in their entirety. A judgment, it is well settled, cannot be read as a statute. (See Sarat Chandra Mishra v. State of Orissa and State of Karnataka v. C. Lalitha). Construction of a judgment, it is well settled, should be made in the light of the factual matrix involved therein. What is more important is to see the issues involved therein and the context wherein the observations were made. Any observation made in a judgment, it is trite, should not be read in isolation and out of context.

20. In this context Mr. Lekhi has also sought support from the frequently quoted opinion of the House of Lords in ***Quinn*** *v. Leathem*, 1901 AC 495 : (1900-3) All ER Rep 1, namely, that “every judgment must be read as applicable to

the particular facts proved or assumed to be proved .... The other is that a case is only an authority for what is actually decides". These quotations have been reiterated in *Goodyear India Ltd. -vs- State of Haryana*, (1990) 2 SCC 71 and *State of Orissa v. Sudhansu Sekhar Misra*, AIR 1968 SC 647. In the latter case, the Court explicitly opined that "a decision on a question which has not been argued cannot be treated as a precedent". Their Lordships, in turn, referred back to the previous opinion in *Rajput Ruda Meha -vs- State of Gujarat*, 1980 SC 1707 in which it had similarly been stated that where a question has neither been raised nor argued any decision by the Court, even after 'pondering over the issue in depth', would not be a binding precedent. Similar observations have been made by the Constitution Bench in *Padma Sundara Rao -vs- State of T.N.*, 2002(3) SCC 533, as is evident from the following extract:

> 9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in

> treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in *Herrington v. British Railways Board*, (1972) 2 WLR 537. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.

None of these decision exonerate the learned counsel from not bringing ***Baldev Singh Dhillon*** to our notice at the very threshold of arguments.

21. Our learned Brother, A.K. Sikri, J., had paraphrased the argument of Mr. Lekhi in ***Baldev Singh Dhillon*** in the following words and thereafter had considered and rejected them in detail.:

> (2) Alternatively, even otherwise without a scheme there could not have been a notification under Section 4 of the Act for acquisition of land. His submission was that 'public purpose' was vague once the land was acquired for 'Channelisation of Yamuna River' there had to be a proper scheme in the place before land was acquired for the

specified purpose. For this proposition he relied upon the following judgments:

i. State of T.N. & Anr. v. A. Mohd. Yousef & Ors., (1991) 4 SCC 224.
ii. Maharashtra Housing & Area Development Authority and Anr. v. Gangaram and Ors., (1994) 2 SCC 489.
iii. M.P. Housing Board v. Mohd. Shafi & Ors., (1992) 2 SCC 168.

(3) He also attacked the notifications issued without application of mind by the Competent Authority. Referring to noting dated 11th October, 1989 at page 11/N of the respondent's records, he submitted that proposal for acquisition of land proceeded on the basis that there was some scheme of channelisation cleared by the Pune Institute. He pointed out that Survey Report of 13th February, 1989 would indicate that entire exercise was done within a period of two days which would clearly indicate that it was mere formality as such colossal exercise was not possible within this short span.

22. Reverting back to the Objections that Rohini Residential Scheme is not a statutory Scheme and therefore cannot form the basis of acquisition it suffices to

refer to the Constitution Bench decision in ***Aflatoon***. Their Lordships had observed that "the fact that actual development is permissible in an area other than a planned area with the approval or sanction of the local authority did not preclude the Central Government from acquiring the land for planned development under the Act. Section 12 is concerned only with the planned development. It has nothing to do with the acquisition of property; acquisition generally precedes development. For planned development in an area other than a development area, it is only necessary to obtain the sanction or approval of the local authority as provided under Section 12(3). The Central Government could acquire any property under the Act and develop it after obtaining the approval of the local authority". In *Ajay Krishan Singhal -vs- Union of India*, (1996) 10 SCC 721 in which Mr. Lekhi had represented the Petitioners while Mr. Sethi had appeared for the Respondent, the Court held that it was no longer *res integra* that in the case of an acquisition of large tracts of land belonging to different persons, the specification of the purpose can only be with reference to the acquisition of the

whole area. In *State of Tamil Nadu -vs- L. Krishnan*, AIR 1996 SC 497 it was held that acquisition of land could be carried out even though a final and effective scheme had not been framed. Eventually, this very question has been discussed in detail by Sikri, J. in ***Baldev Singh*** and the argument was repulsed. We respectfully concur with this majority opinion.

23. It has also been argued on behalf of the Petitioners that the acquisition of the subject land runs counter to the Master Plan and hence requires to be quashed. No amendment to the Master Plan of Delhi has been mooted and the Central Government has not accorded its approval. In this regard we may merely refer to *Bhagat Singh -vs- State of U.P.*, (1999) 2 SCC 384 wherein in paragraph 22 their Lordships have recorded the following opinion:

> 22. As pointed out in the above judgments, there is no need that the land proposed to be acquired by the Government for a particular public purpose should be for the same purpose or use mentioned in the Master Plan or Zonal Plan for the said area. Nor will the acquisition be invalid merely because the

> land proposed to be acquired is for a purpose other than the one permitted by the Master Plan or Zonal Plan applicable to that locality. Acquisition will be valid if it is for a public purpose even if it is not for the type of user permitted by the Master Plan or Zonal Plan in force at the time the acquisition is made. It will be for the beneficiary of the acquisition to move the competent authority under the Development Act and obtain the sanction of the said authority for suitable modification of the Master Plan so as to permit the use of the land for the public purpose for which the land is acquired. In fact, it may be difficult for the beneficiary of the acquisition to move the competent authority under the Development Act seeking permission to change of land use even before the land is acquired or before possession is given to the beneficiary. On the principle stated in Aflatoon case it is clear that acquisition for a public purpose and obtaining permission from the competent authority under the Development Act concerned for change of land use are different from one another and the former is not dependent upon the latter.

This precise question has previously been raised by Mr. Lekhi and rejected by the Full Bench in ***Roshnara Begum***. Since ***Roshnara Begum*** has been affirmed by the

Supreme Court in ***Murari***, we fail to appreciate why the same question has been raised once again before us. In paragraph 15, the Court observed that even after the enforcement of the Delhi Development Act, 1957 Section 15(1) thereof prescribes that land for the purposes of development may be acquired under the provisions of the Act. We accordingly conclude that an acquisition of land, contrary to the Master Plan, is not per se illegal.

24. The next argument raised on behalf of the Petitioners to the effect that the Lt. Governor is not the appropriate Authority envisaged under the Act stands rejected by the Supreme Court in *Om Prakash -vs- Union of India*, (1988) 1 SCC 356.

25. Learned counsel for the Petitioners have drawn our attention to *Delhi Science Forum -vs- Delhi Development Authority*, 112(2004) DLT 944(DB) but we fail to appreciate its relevance. The DDA had drawn ground water by digging in violation to the ban imposed by the Central Ground Water Authority and this action was castigated.

26. Finally, we shall consider the argument put forward on behalf of some of the Petitioners that it was the consistent policy that the land within 50 metres of the Lal Dora of village Abadi would not be acquired. It has been submitted that in some instances Denotification of farmhouses had been ordered. We find no merit in these arguments. We have already mentioned that there is no legal embargo against acquiring of lands and buildings that may be in the state of legal existence. Quite often this is exactly what happens where land is acquired for widening of roads. Normally, expropriation of such lands/buildings is eschewed for the very simple reason that the compensation payable is extremely high but this is a pragmatic practice only. Where a large parcel of land is acquired for the development of satellite colonies, it would not be advisable from the standpoint of aesthetic, town planning etc. to have pockets of property and land within the parcel of land existing in isolation. Uniformity in the Planned Development receives a severe setback in such cases. Moreover, learned counsel for the Respondents have correctly submitted that it is only the Petitioners *ipse dixit*

that construction of farmhouses have been duly sanctioned since Title Deeds as well as Sanctioned Plans have not been filed. Be that as it may we find no substance in this argument even on merits.

27. In conclusion it is our considered opinion that these writ petitions deserve to be dismissed on the short ground that the Petitioners have not approached the Court with clean hands and equities are not in their favour. As has been repeatedly underscored by learned counsel for the Petitioners themselves the user of the lands in question is agricultural. However, the Petitioners have carried out constructions contrary to the prescribed user fully knowing that their actions are not in consonance with the law. Article 226 of the Constitution of India is a discretionary and equitable relief and it would be inappropriate, if not improper, for the Writ Court to extend its succor to parties who have themselves knowingly and willfully transgressed the law. It was observed in *Bal Kishan Chhabra –vs- Union of India*, 127(2006) DLT 460 that it will be of relevance to underscore straightway that while exercising

extraordinary jurisdiction the Court would not come to the aid of a party which is guilty of malfeasance and failure to adhere to the spirit of law and rules and regulations in the public domain. Courts of law have to decide disputes which come before them strictly in accordance with and not in flagrant violation of the statutory law. Political considerations have no role to play in judicial judgments. The Government may, therefore, find it advantageous to ignore the well-settled principles of law, or annihilate and nullify its own decisions taken and executed in accordance with law, by denotifying land legally acquired by it. The Government may drag its feet even on taking-over possession of illegal colonies and defer demolition of illegal and unauthorised structures. But Courts must uphold and preserve the rule of law. Since we find no legal infirmity with the actions of the Government taken under Sections 4 and 6 of the Act, we would dismiss these writ petitions even on the solitary ground of the Petitioners having approached the Court with unclean hands. All interim Orders are recalled.

28. These writ petitions are dismissed with costs of Rs.5,000/- payable by each of the Petitioner to the Respondents. A copy of this Judgment be placed by the Registry in all the connected matters.

(VIKRAMAJIT SEN)
JUDGE

(J.P. SINGH)
JUDGE

July 9, 2007
Tp/n